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In The

SUPREME COURT OF THE UNITED STATES

October Term, 1964

No. 647

THE STATE OF WISCONSIN on the Relation of American Motors Corporation, a foreign corporation,

Respondent,

vs.

INDUSTRIAL COMMISSION OF THE STATE OF WISCONSIN

Respondent,

ROBERT BORUM,

Petitioner.

PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI

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Petitioner prays that this Court grant a rehearing of its Order of January 18, 1965, denying the petition for writ of certiorari, — U.S. —, and that a writ of certiorari be issued as prayed for in the petition filed and docketed November 2, 1964.

REASONS FOR GRANTING REHEARING AND ISSUING THE WRIT

The United States Supreme Court has jurisdiction under ARTICLE XIV, Section I, of the United States Constitution. The procedure used by The Industrial Commission of the State of Wisconsin and the Courts of Wisconsin did not adequately protect the constitutional rights of the Petitioner. Wisconsin Statutes Section 274.11(4) must be read in conjunction with Wisconsin Statutes Section 269.51. Any alleged irregularity or defect in the NOTICE OF APPEAL TO THE WISCONSIN SUPREME COURT could be cured since the appeal was timely and made in good faith.

Baumgarten v. Jones, 21 Wis. 2d 467, 124 N.W. 2d 609 (1963), and *In Re Burns' Estate*, 23 Wis. 2d 175, 127 N.W. 2d 239 (1964).

The petitioner will be permanently deprived of an opportunity to seek redress for all of the effects of his injuries due to an industrial accident if he is not allowed a full and complete adjudication. Since the original administrative hearing granted the petitioner was inadequate, in that it did not cover entire extent of his injuries, the order emanating therefrom was premature in its finality and must not be permitted to stand. It is unjust that an injured workman should have his rights so restricted that he must manifest and prove even the most complicated effects of such injuries on the spot or sustain the resulting injuries permanently without compensation.

CONCLUSION

For the reasons set forth above and in the petition for writ of certiorari, it is respectfully urged that rehearing

be granted and that, upon such rehearing, a writ of certiorari issue to the Supreme Court of Wisconsin reversing its ruling.

Respectfully submitted,

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CERTIFICATE OF COUNSEL

I hereby certify that the foregoing petition for rehearing is presented in good faith and not for delay and is restricted to grounds specified in Rule 58 of the rules of this Court.

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